



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,356	04/20/2004	Richard Carl Phelps	0120-027	2594
42015	7590	02/27/2008		
POTOMAC PATENT GROUP PLLC			EXAMINER	
P. O. BOX 270			CLEARY, THOMAS J	
FREDERICKSBURG, VA 22404			ART UNIT	PAPER NUMBER
			2111	
NOTIFICATION DATE	DELIVERY MODE			
02/27/2008	ELECTRONIC			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tammy@ppglaw.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.	Applicant(s)	
10/827,356	PHELPS ET AL.	
Examiner	Art Unit	
THOMAS J. CLEARY	2111	

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED **10 February 2008** FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) The period for reply expires 3 months from the mailing date of the final rejection.
 b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) They raise the issue of new matter (see NOTE below);
 (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. Applicant's reply has overcome the following rejection(s): _____.

6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fail to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet

12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. Other: _____

/Mark Rinehart/
Supervisory Patent Examiner, Art Unit 2111

/Thomas J. Cleary/
Examiner, Art Unit 2111

Continuation of 11. does NOT place the application in condition for allowance because: In response to applicant's argument that one of ordinary skill in the art would not have been motivated to use the memory mapped devices of Le in the system of Branigin, the test for obviousness is not whether the features of a secondary reference secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Le was relied upon only to show that the use of memory-mapped devices in which a target module will have an address range in the memory map which includes a target address data (See Column 2 Lines 17-21 and 43- 65); and wherein decoding of the target address is carried out in the decoding means located in said initiating module (See Column 1 Line 65 - Column 2 Line 7, Column 2, Lines 15-27, and Column 4 Lines 20-36) are notoriously old and well known in the art. One of ordinary skill in the art, therefore, would naturally look to various methods of addressing a device, such as the memory mapping of Le, when constructing the device of Branigin. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). When constructing the device of Branigin, one of ordinary skill in the art would naturally look to various improvements over the use of device ID's for addressing a device. As disclosed by Le, the use of memory mapped devices are notoriously old and well known, and one of ordinary skill in the art would recognize the the use of memory mapping in place of device ID's for addressing devices provides flexibility while constraining the size and complexity (See Column 2 Lines 22-40 and Column 4 Lines 20-23 of Le). Branigin discloses that each device in a system can initiate a transaction (See Column 8 Lines 23-29). Thus, the combination of Branigin and Le would provide for a system in which each device is memory mapped and each device can initiate a transaction. This combination would be well within the abilities of one of ordinary skill in the art, as it would not require undue experimentation to apply, to each device, the ability to initiate a memory mapped transaction. Applicant has further argued that, in the instant invention, the address is decoded locally by the requesting module to generate a device ID, which differs from Le which must provide the full address to the device. In response, the Examiner notes that Le discloses that the address is decoded locally to generate a chip select signal, which is equivalent to the claimed module identity data (See Column 2 Line 43 - Column 3 Line 10 and Column 4 Lines 20-36 of Le). Le discloses no requirement that the full address must be provided to the device. Applicant has further argued that the system of Le is not concerned with the control of access to an on-chip module, as in the Applicant's invention. In response, the Examiner notes that the features upon which applicant relies (i.e., controlling of access only to on-chip modules) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).